

Objection to the claims

The Office Action objected to Claims 1, 13 and 24. Applicant has canceled Claim 1 and amended the Claims 13 and 24 in accordance with the noted objections.

Rejection of Claims 1-4, 7-9, 13.16 and 19-21 Under 35 U.S.C. § 103

The Office Action rejected Claim 1 under 35 U.S.C. § 103 as being unpatentable over Fujimoto, in view of Deaton et al. and JAMA. With respect to independent Claim 1, the Office Action states that Fujimoto discloses a reward system for encouraging an individual to participate in a customized health management program. Also, the Office Action states that Fujimoto further discloses a monitoring means, a memory means, an evaluation means, a script generating means and a script assigning means. The Office Action states that Fujimoto fails to disclose a reward dispensing means, which is thus taught by Deaton et al. and JAMA. The Office Action further states that it would have been obvious to one of ordinary skill in the art at the time of invention to combine the coupon dispenser of Deaton et al. with the monitoring means of Fujimoto as per the teaching of JAMA, wherein the motivation would have been to reduce morbidity and control new outbreaks of disease. With respect to independent Claims 25 and 13, applicant respectfully disagrees.

New independent Claim 25 teaches a customized health management program with a script generating means for generating a customized health management script from a plurality of questions, actions and educational programs, a script assigning means for assigning the customized health management script to the individual and a monitoring means for collecting compliance data indicative of the individual's compliance with the customized health management program, wherein at least a portion of the collected compliance data comprises the individual's response to the assigned customized health management script. Claim 25 further includes an evaluation means for automatically comparing the collected compliance data to the evaluation criteria to determine a compliance status of the individual and a reward dispensing means in communication with the evaluation means for dispensing a reward to the individual according to the compliance status.

Applicant emphasizes that the present invention determines compliance status of the individual according to a comparison between the collected compliance data and the evaluation criteria, wherein the evaluation criteria is associated with an assigned script generated from a

plurality of questions, actions and educational programs. Applicant submits that Fujimoto fails to teach or suggest determining compliance status based on a comparison between collected compliance data and stored evaluation criteria. In Fujimoto the user's responses to questions determine the progression of the system's control sequence. For instance, equipment 1 gives the user the question "do you want to measure the blood pressure and the pulse"...the user enters a reply. In the case of a "No" reply, the control sequence returns to the start of the procedure without performing a measurement. In the case of a "Yes" reply, the control sequence advances to the next step (col. 4, lines 13-24). The only data retrieved and stored is the measurement data (col. 4, lines 58-68), diagnosis inquiry data (col. 6, lines 39-59), body temperature data (col. 7, lines 7-24) or weight value (col. 7, lines 38-54). Fujimoto does nothing more than store the measurement data, diagnosis inquiry data, body temperature data or weight value. Thus, Fujimoto fails to compare any of the retrieved data to evaluation criteria to thereby determine a compliance status.

Deaton et al. discloses dispensing a coupon when a criteria is met. However, Deaton et al. is a marketing tool and thus fails to teach or suggest a coupon dispenser used in a customized health management program. JAMA does disclose offering patients incentives to take medication (page 4, lines 7-12). JAMA's criteria for giving the patient a coupon is did the patient take the medication or not. JAMA's motivation for giving the reward is to get more people to take their medication. As such, applicant submits that JAMA fails to teach or suggest generating a customized health management script from a plurality of questions, actions and educational programs, and assigning the customized health management script to the individual, wherein the assigned script comprises associated evaluation criteria, the associated evaluation criteria is based on the individual's responses to the generated script.

The motivation of the present invention is to provide rewards to patients in order to effectively administer a customized health management program for a wide scope of remotely located patients in a cost effective manner. The present invention accomplishes this by getting the patients to answer health related questions, perform health related tasks (e.g. measuring blood glucose level) and complete health education programs. The present invention's motivation is also to gather extensive patient information for the production of patient reports (FIGURE 13). The patient reports are tools the health professional uses to determine the patient's compliance

with the program, the patient's present health and effectiveness of a program as it relates to multiple patients. Fujimoto, Deaton et al. or JAMA fail to provide the motivation that the present invention provides and therefore a combination would not produce the present invention.

Therefore, applicant submits that Claim 25 is allowable over Fujimoto, Deaton et al. and JAMA. Amended independent Claim 13 corresponds to Claim 25 and is therefore allowable for the same reasons as discussed above. Since Claims 2-4, 7-9 and 26-28; and 14-16 and 19-21 depend from Claims 25 and 13, respectively, they are allowable for the same reasons that make Claim 25 allowable.

Rejection of Claims 5, 6, 17 and 18 Under 35 U.S.C. § 103

The Office Action rejected Claims 5, 6, 17 and 18 under 35 U.S.C. § 103 as being unpatentable over Fujimoto, in view of Deaton et al. and JAMA and further in view of Bocchieri et al. Since Claims 5, 6, 17 and 18 depend from depend from Claims 25 and 13, respectively, they are allowable for the same reasons that make Claim 25 allowable.

Rejection of Claims 10 and 22 Under 35 U.S.C. § 103

The Office Action rejected Claims 10 and 22 under 35 U.S.C. § 103 as being unpatentable over Fujimoto, in view of Deaton et al. and JAMA and further in view of Irwin, Jr., et al. Since Claims 10 and 22 depend from depend from Claims 25 and 13, respectively, they are allowable for the same reasons that make Claim 25 allowable.

Rejection of Claims 11 and 23 Under 35 U.S.C. § 103

The Office Action rejected Claims 11 and 23 under 35 U.S.C. § 103 as being unpatentable over Fujimoto, in view of Deaton et al. and JAMA and further in view of Powell. Since Claims 11 and 23 depend from depend from Claims 25 and 13, respectively, they are allowable for the same reasons that make Claim 25 allowable.

Rejection of Claims 12 and 24 Under 35 U.S.C. § 103

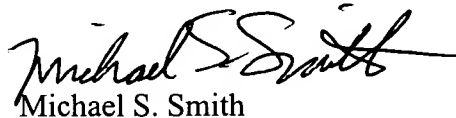
The Office Action rejected Claims 12 and 24 under 35 U.S.C. § 103 as being unpatentable over Fujimoto, in view of Deaton et al. and JAMA and further in view of Flaten. Since Claims 12 and 24 depend from depend from Claims 25 and 13, respectively, they are allowable for the same reasons that make Claim 25 allowable.

CONCLUSION

Applicant believes that the claims of the pending application are now in condition for allowance over the cited references. Accordingly, applicants respectfully request withdrawal of the rejections, allowance and early passage to issuance. If the examiner has questions, the examiner is invited to contact the applicant's agent listed below.

Respectfully submitted,

Black, Lowe & Graham

A handwritten signature in black ink, appearing to read "Michael S. Smith", with a stylized flourish at the end.

Michael S. Smith

Registration No. 39,563

Direct Dial (206) 381-3300